

LEX TECNICA, LTD.
 F. CHRISTOPHER AUSTIN, ESQ.
 Nevada Bar No. 6559
 NICHOLAS R. ANDERSON, ESQ.
 Nevada Bar No. 13815
 SCOTT T. WHITWORTH, ESQ.
 Nevada Bar No. 15671
 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145
 Phone: (725) 239-8413
chris@lextecnica.com
nick@lextecnica.com
scott@lextecnica.com
Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ADHERENCE d/b/a of MORISKY
 MEDICATION ADHERENCE RESEARCH LLC,
 a Nevada limited liability company,

Plaintiff,

v.

CVS PHARMACY, INC., a Rhode Island
 corporation; and ASEMBIA, LLC, a Delaware
 limited liability company,

Defendants.

Case No.: 2:24-cv-01590-JCM-NJK

**PLAINTIFF'S MOTION TO FILE
 UNDER SEAL ITS ANSWER TO
 DEFENDANTS' COUNTERCLAIMS
 TO PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

Pursuant to Fed. R. Civ. P. 5.2, the Ninth Circuit's decision in *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006) (applying "good cause" standard to non-dispositive filings), and LR IA 10-5, Plaintiff, by and through its counsel of record, respectfully requests leave to file under seal, at least temporarily, its Answers to Defendant Asembia, LLC and CVS Pharmacy, Inc.'s Counterclaims ("Answers").

Under Federal Rule of Civil Procedure 5.2(d), "[t]he court may order that a filing be made under seal without redaction. The court may later unseal the filing or order the person who made the filing to file a redacted version for the public record." A party seeking to seal documents in

support of a non-dispositive motion must show “good cause” exists to seal the document in question. *Kamakana v. City & County of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006).

The Stipulated Protective Order (Dkt. No. 60) and the Court’s May 20, 2025 Order (Dkt. No. 61) govern the use and disclosure of confidential information in this case, including the filing of confidential information with the Court. Paragraph 5 of the Stipulated Protective Order states that “[a] person or entity who produces information, documents, or other materials may designate them as CONFIDENTIAL when they in good faith believe the information, documents, or materials contains nonpublic proprietary confidential technical, scientific, financial, or business information.” Dkt. No. 60 at 2.

Plaintiff submits this sealing request solely because it responds to counterclaims which Defendants, in each of their Answers and Counterclaims to Plaintiff’s First Amended Complaint, designated as containing Confidential information pursuant to Paragraph 5 of the Stipulated Protective Order. The Counterclaims summarize and quote these materials. In order to respond to these allegations, Plaintiff may necessarily reference facts or materials that Defendants have designated as “confidential” under the terms of the Protective Order. Pursuant to the Court’s May 20, 2025 Order, “[a]ll motions to seal must address the applicable standard and explain why that standard has been met . . . If the sole ground for a motion to seal is that the opposing party (or non-party) has designated a document as confidential, the designator shall file (within seven days of the filing of the motion to seal) either (1) a declaration establishing sufficient justification for sealing, or (2) a notice withdrawing the confidentiality designation.”

DATED this 23rd day of July, 2025.

LEX TECNICA LTD

/s/ F. Christopher Austin
 F. CHRISTOPHER AUSTIN, ESQ.
 Nevada Bar No. 6559
 NICHOLAS R. ANDERSON, ESQ.
 Nevada Bar No. 13815
 SCOTT T. WHITWORTH, ESQ.
 Nevada Bar No. 15671
 10161 Park Run Drive, Suite 150
 Las Vegas, Nevada 89145

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I certify that I am an employee of LEX TECNICA and that on this 23rd day of July, 2025, I served a copy of the foregoing, **PLAINTIFF'S MOTION TO FILE UNDER SEAL ITS ANSWER TO DEFENDANTS' COUNTERCLAIMS TO PLAINTIFF'S FIRST AMENDED COMPLAINT** as follows:

- ☐ **U.S. Mail:** By depositing a true and correct copy of said document(s) via U.S. mail, with postage pre-paid and addressed as listed below.
- ☐ **Hand Delivery:** I caused said document(s) to be delivered to the address(es) list below;
- ☐ **Electronic Mail:** I caused said document(s) to be delivered by emailing an attached Adobe Acrobat PDF of the document to the email address(es) identified above.
- ☒ **Electronic Service:** I caused said document to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (Odyssey).

CHAD R. FEARS, ESQ.
Nevada Bar No. 6970
EVANS FEARS SCHUTTER MCNULTY
MICKUS
6720 Via Austi Parkway, Suite 300
Las Vegas, Nevada 89119
Telephone: 702-805-0290
Facsimile: 702-805-0291
Email: cfears@efsmmlaw.com
*Attorneys for Defendants CVS Pharmacy, Inc.
and Asembia, LLC*

JENNIFER INSLEY-PRUITT, ESQ.
DECHERT LLP
Three Bryant Park
1095 Avenue of the Americas
New York, New York 10036
Telephone: (212) 698-3653
Jennifer.insley-pruitt@dechert.com
*Attorneys for Defendants CVS Pharmacy, Inc.
and Asembia, LLC*

LUKE M. REILLY, ESQ.
DECHERT LLP
Circa Centre
2929 Arch Street
Philadelphia, Pennsylvania 19104
Telephone: (215) 994-2194
luke.reilly@dechert.com
*Attorneys for Defendants CVS Pharmacy, Inc.
and Asembia, LLC*

/s/ Angeli Gozon
An employee of LEX TECNICA